

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2014-29

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL REQUESTING IMMEDIATE STATE ACTION TO IMPROVE AND MAINTAIN SQUAW CREEK ROAD IN ORDER TO MAKE IT PASSABLE FOR VEHICULAR TRAFFIC

WHEREAS, citizens of the City of Dillingham have recently contacted the City regarding the state of disrepair of Squaw Creek Road; and

WHEREAS, Squaw Creek Road was not constructed by the City of Dillingham; and

WHEREAS, only small portions of the road have ever been formally platted or dedicated to the City, so the City does not own the road; and

WHEREAS, the City has not graded or otherwise maintained the road in the past; and

WHEREAS, the State of Alaska has previously maintained the road, including grading, gravel placement, and winter snow removal; and

WHEREAS, the State of Alaska has unilaterally decided to stop doing so; and

WHEREAS, the road has fallen into extreme disrepair, resulting in termination of school bus service, dangerous driving conditions, and access impediments to the numerous residences located on Squaw Creek Road; and

WHEREAS, Squaw Creek Road does not satisfy City standards for a public right of way, in part because it is too narrow to allow safe passage of vehicles alongside road maintenance equipment and lacks sufficient easements alongside it to allow widening or adequate snow removal; and

WHEREAS, property owners abutting the road have not as yet been willing to convey easements to allow the road to be widened or brush removed to permit passage of road graders and snow plows; and

WHEREAS, the City would participate with residents on the road and surrounding owners of the road in exploring solutions for the maintenance and upkeep of the road; and

WHEREAS, neither the City nor State can improve the road on a long-term basis without receiving easements and the cooperation of abutting landowners; and

WHEREAS, the City has no legal obligation to repair the road because accepting and deciding to maintain a particular road is a discretionary decision of the City Council; and

WHEREAS, the City cannot and will not accept from the State the obligation to maintain the road because it does not meet City standards for a public road in its current condition; and

WHEREAS, if Squaw Creek Road were improved to satisfy City standards, the City would entertain a proper application to dedicate it as a public City road; and

WHEREAS, the City Council believes the State must resume maintaining the road without delay; and

WHEREAS, the State has so far refused to do so, and therefore the City must demand the State fulfill its obligations; and

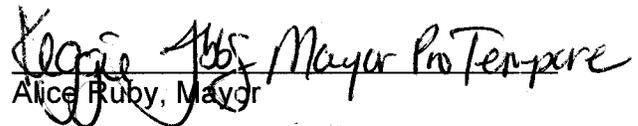
WHEREAS, since the City cannot and will not accept from the State responsibility for the road, all further inquiries and complaints regarding the road should be directed to the local State of Alaska DOTPF;

NOW, THEREFORE, BE IT RESOLVED BY THE DILLINGHAM CITY COUNCIL:

1. The City Council requests the State of Alaska immediately resume and fulfill its maintenance obligations regarding Squaw Creek Road, including grading, gravel fill, and improving drainage.

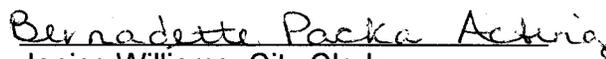
2. The City Council expressly does not accept responsibility for maintenance of Squaw Creek Road in its current condition. City staff and officials shall direct all further inquiries, comments, or complaints regarding the condition or maintenance of Squaw Creek Road to the Robert Campbell, Regional Director, State of Alaska DOTPF, phone no. 907-269-1573.

PASSED and ADOPTED by the Dillingham City Council on June 5, 2014.


Alice Ruby, Mayor

ATTEST:

[SEAL]


Bernadette Packa Acting City Clerk
Janice Williams, City Clerk

Subject: A resolution of the Dillingham City Council requesting immediate state action to improve and maintain Squaw Creek Road in order to make it passable for vehicular traffic

Agenda of: June 5, 2014

Council Action:

Manager: Recommend approval

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Public Works / Francisco "Pancho" Garcia	YFA	
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes _____ No X Furds Available: Yes _____ No _____

Other Attachment(s): None

Summary Statement.

In February 2014 the State informed the City that they would no longer be maintaining the Squaw Creek road. There have been a number of letters sent to the State by residents asking them to continue maintaining the road. Residents on the road have also put pressure on the City to maintain the road to make it passable.

On May 15, 2014 the City sent a letter to the State demanding that they continue to maintain the road as well as to bring it up to City standards. The letter also stated that the City will not accept responsibility of the road.

The beginning and end of the road is privately owned and the owners will not provide an easement to widen the road. The middle of the road was dedicated for public use in 1978 and approved by the City's Planning Commission.

The road is narrow and lacks sufficient easements alongside it to allow widening or adequate snow removal. The City's position is to not accept the road until it is brought up to City standard.



May 15, 2014

Robert A. Campbell
Dept. of Transportation and Public Facilities, Central Region
4111 Aviation Ave.,
Anchorage, AK 99502

Re: Squaw Creek Road - Dillingham

Mr. Campbell,

The Dillingham City Council is requesting the State to continue maintaining Squaw Creek Road. Formal action of this will be taken at the June 5, 2014 meeting. As you may know, the State of Alaska has maintained Squaw Creek Road for many years by grading and plowing it as needed. Earlier this year, the State abruptly and without any reasonable explanation decided it would no longer do so. As a result, citizens are finding it increasingly difficult to access their properties as the road continues to fall into disrepair. Worse than an inconvenience, the State has created a safety hazard. Emergency vehicles would have a difficult—perhaps impossible—time accessing properties on the road. And if that weren't enough, the school buses have been forced to stop driving the road because the children were being bounced around the bus too much. The State's decision to stop grading the road has forced 3 year olds to walk on the road instead of ride the bus. This is simply inexcusable.

In previous discussions with the City, the State has taken the position that it does not own the road, or that its status as an easement holder was in some way defective. The State has never attempted to explain in any detail what defects would allow it to suddenly abandon the citizens along the road by simply refusing to do that which it has been doing for years. The State cannot shirk its responsibility by unilaterally conveying management authority for this road to the City. The City categorically does not accept the State's effort to do so, and denies any obligation to maintain the road.

The City is not requesting more information; it is demanding action. Whatever the State's legal position on ownership is, no perceived (or, for that matter, actual) defect in title permits or justifies the State's actions here. The City is in no better position to maintain the road than the State. The road was not built to City standards, and accordingly, it has never been accepted as a City street. It is the State of Alaska, not the City of Dillingham that must take action to make the road passable.

The City is willing to work with the State to achieve that goal. If the City and State can come together to improve the road to meet certain minimum standards, the City would consider accepting it as a City street in the future. Until that time, however, the City cannot and will not

accept responsibility for the road. We will therefore be referring any further communications and inquiries from citizens to your office.

Please contact me immediately, and no later than June 16, 2014, to discuss how the State intends to resolve this issue. Short-term repairs must occur during this construction season even if long-term management is not resolved so quickly. The City appreciates your prompt attention to this urgent matter.

Very truly yours,

CITY OF DILLINGHAM

By: 
Rose Loera
City Manager

cc: Mayor Alice Ruby
Senator Lyman Hoffman
State Representative Bryce Edgmon
Commissioner Patrick Kemp
Boyd, Chandler & Falconer, LLP